

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Claude Dufresne, et al.

Serial No. To be assigned

Filed:

For: NITRIC OXIDE RELEASING PRODRUGS OF  
DIARYL-2-(5H)-FURANONES AS  
CYCLOOXYGENASE-2 INHIBITORS

Art Unit: \_\_\_\_\_

Examiner: \_\_\_\_\_

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By \_\_\_\_\_ Date \_\_\_\_\_

10/586381

## INFORMATION DISCLOSURE STATEMENT

10/586381  
1420 Rec'd 10/18/2006

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- the attached information is filed within three months of the filing date of the captioned case.
- the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Raynard Yuro

Attorney \_\_\_\_\_ For Applicant(s)

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Date: July 18, 2006

<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE</b></p> <p><b>STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<b>COMPLETE IF KNOWN</b>	
				Application Number	To be assigned <u>101586381</u>
				Filing Date	
				First Named Inventor	Dufresne, et al.
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	MC102P

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)	
		WO 03/084550		NICOX S.A.	10/16/2003
		WO 98/09948		NICOX S.A.	03/12/1998
		WO 2004/011421		MERCK FROSST CANADA & CO.	02/05/2004
		WO 97/28120		MERCK FROSST CANADA & CO.	08/07/1997
		WO 01/45703		NITROMED, INC.	06/28/2001
		WO 2004/103955		MERCK FROSST CANADA & CO.	12/02/2004
		WO 03/103602		NITROMED, INC.	12/18/2003
		WO 2004/002420		NITROMED, INC.	01/08/2004
		WO 95/30641		NICOX LIMITED	11/16/1995

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of reference cited, if available.

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